

TODD KIM
Assistant Attorney General
United States Department of Justice
Environment & Natural Resources Division

LUCY E. BROWN (HI Bar No. 10946)
lucy.e.brown@usdoj.gov
MARTHA C. MANN (FL Bar No. 155950)
martha.mann@usdoj.gov
Environmental Defense Section
P.O. Box 7611
Washington D.C. 20044
Telephone (202) 598-1868 (Brown)
Facsimile (202) 514-8865

Attorneys for Defendant EPA

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CITIZENS FOR PENNSYLVANIA'S
FUTURE, *et al.*,

Plaintiffs,

v.

MICHAEL S. REGAN, in his official capacity
as the Administrator of the United States
Environmental Protection Agency,

Defendant.

Case No. 3:19-cv-02004-VC

**DECLARATION OF LUCY E. BROWN
IN SUPPORT OF EPA'S RENEWED
MOTION TO AMEND ORDER AND
JUDGMENT**

I, Lucy E. Brown, declare as follows:

1. I am a Trial Attorney for the United States Department of Justice and am counsel of record for Defendant the United States Environmental Protection Agency's Administrator, Michael S. Regan ("EPA"). I submit this declaration in support of EPA's renewed motion to

1 amend this Court's Order on Summary Judgment and Judgment ("Order and Judgment"), filed
2 concurrently with this declaration.

3 2. In light of this Court's August 15, 2022 Order denying without prejudice EPA's
4 request to amend the Order and Judgment and allowing EPA to file a renewed motion, EPA
5 conferred with Plaintiffs on two proposed completion dates for the mandatory duties at issue in
6 this case: (1) May 23, 2024 if the Court grants an amendment of its Order and Judgment to allow
7 sufficient time for compliance with EPA's nondiscretionary duties to be carried out in
8 conjunction with a new discretionary rulemaking; and (2) November 30, 2023 if the Court does
9 not allow time for EPA to carry out the nondiscretionary and discretionary rulemaking
10 simultaneously. I requested Plaintiffs' position on EPA's two proposed completion dates.
11

12 3. On September 16, 2022, Plaintiffs' counsel communicated to me that Plaintiffs
13 consent to the relief requested. Should the Court grant EPA's motion, Plaintiffs strongly urge
14 the Court to adopt the proposed May 23, 2024, deadline and intend to set out their position in
15 support of that deadline in a separate brief to be filed today.
16

17 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
18 and correct.

19 Executed on September 19, 2022.

/s/ Lucy E. Brown

Lucy E. Brown